

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

vs.

Texas Instruments, Inc.,

Defendant.

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CASE NO. 6:12-CV-499 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Shazam Entertainment Ltd.,

Defendant.

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CASE NO. 6:12-CV-500 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

iPharro Media, Inc., et al.,

Defendant.

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CASE NO. 6:12-CV-502 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Viggle, Inc.,

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CASE NO. 6:12-CV-526 LED

JURY TRIAL DEMANDED

Defendant.

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Blue Spike, LLC,

Plaintiff,

vs.

Free Stream Media Corp.,

Defendant.

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CASE NO. 6:12-CV-527 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

The Echo Nest Corp.,

Defendant.

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CASE NO. 6:12-CV-528 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Peer Media Technologies, Inc.,

Defendant.

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CASE NO. 6:12-CV-529 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

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CASE NO. 6:12-CV-531 LED

JURY TRIAL DEMANDED

BIO-key International, Inc.,
Defendant.

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Blue Spike, LLC,
Plaintiff,

vs.

TuneSat, LLC,
Defendant.

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CASE NO. 6:12-CV-533 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

vs.

Vercury, Inc.,
Defendant.

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CASE NO. 6:12-CV-534 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

vs.

SoundHound, Inc.,
Defendant.

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CASE NO. 6:12-CV-537 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

vs.

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CASE NO. 6:12-CV-539 LED

Vobile, Inc.,
Defendant.

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JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

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CASE NO. 6:12-CV-540 LED

vs.

Attributor Corp.,
Defendant.

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JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

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CASE NO. 6:12-CV-544 LED

vs.

Miranda Technologies, Inc., et al.,
Defendants.

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JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

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CASE NO. 6:12-CV-556 LED

vs.

Yahoo! Inc.,
Defendant.

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JURY TRIAL DEMANDED

Blue Spike, LLC,
Plaintiff,

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CASE NO. 6:12-CV-557 LED

vs.	§	
	§	JURY TRIAL DEMANDED
Civolution USA, Inc., et al.,	§	
	§	
<i>Defendants.</i>	§	

Blue Spike, LLC,	§	
	§	CASE NO. 6:12-CV-558 LED
<i>Plaintiff,</i>	§	

vs.	§	
	§	JURY TRIAL DEMANDED
Google, Inc.,	§	
	§	
<i>Defendant.</i>	§	

Blue Spike, LLC,	§	
	§	CASE NO. 6:12-CV-564 LED
<i>Plaintiff,</i>	§	

vs.	§	
	§	JURY TRIAL DEMANDED
Adobe Systems, Inc.,	§	
	§	
<i>Defendant.</i>	§	

Blue Spike, LLC,	§	
	§	CASE NO. 6:12-CV-565 LED
<i>Plaintiff,</i>	§	

vs.	§	
	§	JURY TRIAL DEMANDED
Umami Co.,	§	
	§	
<i>Defendant.</i>	§	

Blue Spike, LLC,	§	
	§	CASE NO. 6:12-CV-567 LED
<i>Plaintiff,</i>	§	

vs.

Irdeto USA, Inc., et al.,

Defendants.

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JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Zeitera, LLC, et al.,

Defendants.

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CASE NO. 6:12-CV-568 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

WiOffer, LLC,

Defendant.

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CASE NO. 6:12-CV-570 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Technicolor USA, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-572 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

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CASE NO. 6:12-CV-576 LED

<i>Plaintiff,</i>	§	
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vs.	§	
	§	JURY TRIAL DEMANDED
Audible Magic Corp., et al.,	§	
	§	
<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-577 LED
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vs.	§	
	§	JURY TRIAL DEMANDED
Rovi Corp., et al.,	§	
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<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-580 LED
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vs.	§	
	§	JURY TRIAL DEMANDED
YouWeb, LLC, et al.,	§	
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<i>Defendants.</i>	§	
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Blue Spike, LLC,	§	
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<i>Plaintiff,</i>	§	CASE NO. 6:12-CV-581 LED
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vs.	§	
	§	JURY TRIAL DEMANDED
SMRTV, Inc.,	§	
	§	
<i>Defendant.</i>	§	
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Blue Spike, LLC,

Plaintiff,

vs.

ACTV8, Inc.,

Defendant.

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CASE NO. 6:12-CV-582 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Broadcast Music, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-586 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

The Nielsen Company (US), LLC,

Defendant.

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CASE NO. 6:12-CV-587 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

CBS Interactive, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-594 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Clear Channel Broadcasting, Inc.,

Defendant.

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CASE NO. 6:12-CV-595 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Soundmouse Ltd.,

Defendant.

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CASE NO. 6:12-CV-598 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

SecuGen Corp.,

Defendant.

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CASE NO. 6:12-CV-607 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

ZkTeco, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-608 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Fulcrum Biometrics, LLC, et al.,

Defendants.

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CASE NO. 6:12-CV-610 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Fujitsu America, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-616 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Green Bit, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-645 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

TvTak USA, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-646 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Innovatrics s.r.o., et al.,

Defendants.

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CASE NO. 6:12-CV-647 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

BioLink Solutions Ltd., et al.,

Defendants.

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CASE NO. 6:12-CV-648 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Cross Match Technologies, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-649 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Digi-Key Corp.,

Defendant.

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CASE NO. 6:12-CV-650 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Griaule Technology, LLC,

Defendant.

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CASE NO. 6:12-CV-651 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Integrated Biometrics, LLC

Defendant.

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CASE NO. 6:12-CV-652 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

L-1 Identity Solutions, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-680 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Lumidigm, Inc.,

Defendant.

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CASE NO. 6:12-CV-681 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

BMAT Licensing, S.L.,

Defendant.

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CASE NO. 6:12-CV-682 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

TV Interactive Systems, Inc.,

Defendant.

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CASE NO. 6:12-CV-684 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

3M Cogent, Inc.,

Defendant.

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CASE NO. 6:12-CV-685 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Antheus Technology, Inc.,

Defendant.

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CASE NO. 6:12-CV-686 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Aware, Inc.,

Defendant.

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CASE NO. 6:12-CV-687 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

ImageWare Systems, Inc.,

Defendant.

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CASE NO. 6:12-CV-688 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

NEC Corporation of America, et al.,

Defendants.

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CASE NO. 6:12-CV-690 LED

JURY TRIAL DEMANDED

Blue Spike, LLC,

Plaintiff,

vs.

Precise Biometrics, Inc., et al.,

Defendants.

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CASE NO. 6:12-CV-694 LED

JURY TRIAL DEMANDED

CONSOLIDATION ORDER

The passage of the Leahy-Smith America Invents Act (“AIA”), which clarified the joinder requirements for cases alleging patent infringement, has resulted in a significant increase in the number of “serially” filed patent cases on the Court’s docket. Similarly, the Federal Circuit’s recent *In re EMC Corp.* decision leads to a nearly analogous result for pre-AIA filings because multi-defendant cases may be severed “[u]nless there is an actual link between the facts underlying each claim of infringement.” 677 F.3d 1351, 1360 (Fed. Cir. 2012). Such serially filed or severed cases, by their nature, involve common issues of law or fact, including claim construction and validity. “If actions before the Court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). In applying Rule 42, a court has considerable discretion. *In re EMC Corp.*, 677 F.3d at 1360; *see also Lurea v. M/V Albata*, 625 F.3d 181, 194 (5th Cir. 2011) (“Rule 42(a) provides district courts with broad authority to consolidate actions that ‘involve a common question of law or fact.’”). Because the above-styled cases involve a common question of law or fact, consolidation of the cases would promote efficient case management.

Accordingly, the Court **ORDERS** that the above-styled cases shall be consolidated for pretrial issues only, with the exception of venue. The earliest filed civil action shall serve as the lead case for consolidated issues. The individual cases will remain active for venue motions and trial. Should the parties file motions to transfer or motions to sever and transfer, the Court will consider these motions only as to the defendants in the originally filed (member) cases, not as to all defendants in the pretrial consolidated case. *See Norman*, 2012 WL 3307942, at *4. All motions, other than venue motions, shall be filed in the consolidated case.

The Plaintiff is ordered to file a notice in the lead case that the case is ready for scheduling conference when all of the Defendants have either answered or filed a motion to transfer or dismiss. The filing of such notice shall not exceed six months from the filing of the lead case absent a showing of good cause. After the scheduling conference, all parties to the consolidated case are ordered to meet-and-confer and submit a uniform Docket Control, Discovery, and Protective Order, which will govern the consolidated case. The local rules' page limitations for *Markman* briefs and other motions will apply to the consolidated case. To further promote judicial economy and to conserve the parties' resources, the Court encourages the parties to file a notice with the Court in the event that there are other related cases currently pending on the Court's docket, as well as future cases Plaintiff intends to file, that may also be appropriate for consolidation with this case.

So ORDERED and SIGNED this 9th day of October, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**